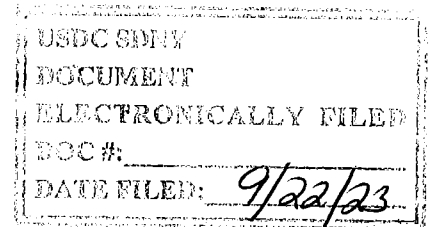


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
LARRY GANTT, JR.,
Petitioner,

v.

CHRISTOPHER MILLER,
Respondent.
-----X**ORDER**

19 CV 2910 (VB)



In a Report and Recommendation ("R&R") dated July 28, 2023, Magistrate Judge McCarthy recommended that the Court deny the instant petition for a writ of habeas corpus. Petitioner requested an extension of time to file objections to the R&R, which the Court granted, such that petitioner's deadline to file objections is today, September 22, 2023.

Instead of filing objections to the R&R, petitioner filed a motion for an order of stay and abeyance of the instant petition, so that he may exhaust purportedly unexhausted claims in state court, and thereafter for leave to amend the instant petition (the "stay and abeyance motion"). (Doc. #27).

The Court liberally construes the stay and abeyance motion to include a request that petitioner's deadline to file objections be extended until after the Court has ruled on the stay and abeyance motion and, if the motion is granted, until after he has exhausted his purportedly unexhausted claims and the Court has ruled on his motion for leave to amend his petition. That request for an extension of the deadline to file objections is GRANTED.

Because Judge McCarthy is familiar with the facts and circumstances of this case, the Court will, by separate order, refer the stay and abeyance motion, which is a non-dispositive motion, to her for decision. Respondent is directed to file a response to the motion by October 6, 2023, and petitioner may file a reply by October 20, 2023.

Chambers will mail a copy of this Order to petitioner at the address on the docket.

Dated: September 22, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti
United States District Judge